

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA**

**v.**

**NADINE MENENDEZ,**

**Defendant.**

**Case No. 1:23-cr-490**

**Hon. Sidney Stein**

**DEFENDANT’S RESPONSE TO ORDER OF FEBRUARY 27, 2025**

Nadine Menendez, through counsel, respectfully submits her response to the Court’s February 27, 2025 Order regarding the Government’s summary charts and underlying exhibits.

Last month, we reviewed a few dozen summary exhibits, and nearly a thousand exhibits cited within those summary exhibits, that the Government intends to present in its case-in-chief in connection with the testimony of its principal chronological summary witnesses: Special Agents Michael Coughlin, Rachel Graves, and Paul Van Wie of the Federal Bureau of Investigation (“FBI”). We raised objections to a small fraction of exhibits cited, roughly ten percent, in addition to some of the summary exhibits. On February 26, 2025, the Government wrote to the Court regarding the objections we raised to the summary charts and underlying exhibits. *See* ECF Dkt No. 775. Exhibit A to the Government’s February 26 submission included a chart of our objections and the Government’s responses. *See* ECF Dkt No. 775-1.

We have since worked with the Government to narrow these issues and have withdrawn a number of our objections. Attached as Exhibit 1 is a chart summarizing Defendant’s responses to 775-1. Additionally, Defendant offers the following brief additional responses to several categories of exhibits identified by the Government.

## **I. Authenticity**

With respect to objections relating to authenticity and foundation, the Government has proffered that it intends to present witnesses to authenticate exhibits produced by the FBI. For example, with respect to electronic data compilations, the Government “intends to present one or more witnesses who will testify that the contents of these exhibits are contained in electronic data files in FBI custody. Together with other evidence regarding how those electronic files were obtained by the FBI . . .” *See* ECF Dkt No. 775, at 8. We are not prepared to waive these authenticity objections pretrial and without the benefit of such testimony, for the reasons stated in our prior submissions, but it is likely that we will not object to the authenticity of these exhibits following this testimony.

## **II. Completeness**

We have withdrawn a number of objections regarding completeness of certain exhibits, maintaining only a few such objections. With respect to the incomplete nature of some of these exhibits, the Government has argued “there would be no barrier to the defendant offering other portions of the same phone records (to the extent admissible and provided she gives proper notice to the Government, as ordered by the Court) if she wishes.” *See* ECF Dkt No. 775, at 11. We may seek to introduce such exhibits, either during the government’s case-in-chief or ours.

## **III. The Government’s Summary Charts**

Given the Government’s proffer that the summary charts it has compiled are materially indistinguishable from summary charts that the Court previously ruled were admissible, and upon

review of the Court's prior rulings relating to the application of F.R.E. 1006 to such exhibits, we have withdrawn such objections.

Respectfully Submitted,

/s/ Barry Coburn

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on March 5, 2025 a copy of the foregoing was filed with the Clerk of the Court using the CM/ECF system and thereby served on all counsel of record.

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/s/  
Barry Coburn